

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks. Applicants appreciate the Examiner notifying the undersigned of the possibility of excluding certain of the cited art.

Regarding the Claim Objections

Applicants regret the error in dependency noted by the Examiner. The present application corrects this defect in the manner noted in the Office Action, and Applicants appreciate the Examiner's proper consideration of the correct dependency in making the present action. Reconsideration and removal of the objection in view of this amendment are respectfully requested.

Regarding the Bonan Reference

Applicants respectfully submit that this reference is disqualified under 35 U.S.C. §103 (c) as prior art under 35 U.S.C. §103 (a).

The Bonan reference is assigned to the assignees of the present application as evidenced by the assignment recorded on 8/3/2004 on reel/frame 015644/0445 at the USPTO. At the time the invention was made, the present inventors were under obligation to assign this application to the present assignees and the present invention was in fact owned by the present assignees.

It is further noted that inventor Candelore is named in both the present application and in Bonan et al. and is in fact the same person.

Regarding the Ryal Reference

Applicants respectfully submit that this reference is also disqualified under 35 U.S.C. §103 (c) as prior art under 35 U.S.C. §103 (a).

The Ryal reference is assigned to the assignees of the present application as evidenced by the assignment recorded on 9/22/2003 on reel/frame 014545/0214 at the USPTO. At the time the invention was made, the present inventors were under obligation to assign this application to the present assignees and the present invention was in fact owned by the present assignees.

Regarding the Rejections under 35 U.S.C. §103

Claims 1-5, 7-10, 13, 14, 16, 18-20, 23-27, 29, 31-33, 36-45, and 47-51 were rejected as unpatentable over Iwamura in view of Bonan all of record.

Applicant respectfully requests reconsideration on the grounds that the cited Bonan reference is disqualified under 35 U.S.C. §103 (c) as prior art under 35 U.S.C. §103 (a) as noted above. In view of this disqualification, the combination used in the present rejection fails. Reconsideration and allowance of the rejected claims are respectfully requested.

Claims 11, 12, 21, 22, 34, 35, 52 and 53 were rejected as unpatentable over Iwamura in view of Bonan and further in view of Ryal all of record.

Applicant respectfully requests reconsideration on the grounds that the cited Bonan reference and the cited Ryal reference are disqualified under 35 U.S.C. §103 (c) as prior art under 35 U.S.C. §103 (a) as noted above. In view of this disqualification, the combination used in the present rejection fails. Reconsideration and allowance of the rejected claims are respectfully requested.

Claims 6, 15, 17, 28, 30 and 46 were rejected as unpatentable over Iwamura in view of Bonan and further in view of Pinder all of record.

Applicant respectfully requests reconsideration on the grounds that the cited Bonan reference is disqualified under 35 U.S.C. §103 (c) as prior art under 35 U.S.C. §103 (a) as noted above. In view of this disqualification, the combination used in the present rejection fails. Reconsideration and allowance of the rejected claims are respectfully requested.

Claims 54 and 55 were rejected as unpatentable over Iwamura in view of Coupe, both of record. Applicants respectfully request reconsideration. The Office Action states that “remapping the packet identifiers of the selected packets so that the selected packets are associated with a packet identifier that identifies the selected packet as being a part of the first stream” is disclosed in Coupe at or about [0059]. However, the undersigned has examined

Coupe in its entirety and specifically at the referenced area of the specification and associated Fig. 5 and finds otherwise.

Coup provides for PID remapping in both the first and second transport stream. After remapping, the packets are interleaved at 118 to produce a single composite transport stream. There is no teaching or suggestion of PID remapping any packet from one stream so as to map it to associate it with the other stream as claimed. In fact, it would appear that the opposite takes place. Consider [0002] and [0023] for example of Coupe which states the objective that the individual transport streams must remain uniquely identifiable in the resultant interleaved transport stream. At [0023], in fact, Coupe explicitly states “in order to avoid ambiguity at the receiver, it is required that all the PIDS belonging to the transport stream be unique. Thus, given a set of program streams that need to be multiplexed into a single transport stream, all the PIDs must be distinct.” (emphasis added) This would appear to teach against the claim language that calls for substitution of a PID identified with a first stream into the second stream’s packets as claimed (to paraphrase without intent of imposing limitations). Such substitution would at best render the packet ambiguous and certainly break Coupe’s rule that the packets be uniquely identifiable. A thorough reading of Coupe makes this fact abundantly clear. To follow Applicants’ claim feature would appear to destroy the intended function of Coupe.

The Examiner’s attention is directed to MPEP 2143.01 V. which states that a proposed modification cannot render a reference unsuitable for its intended purpose. If that condition exists, one of ordinary skill in the art would not be motivated to make the proposed modification or combination. Hence, in connection with the present rejection, one of ordinary skill in the art would not have found the modification to Coupe to meet the claim feature obvious at the time of the invention.

Additionally, under the *Graham v. John Deere* factual inquiries loosely summarized in paragraph 5, of the Office Action, one of ordinary skill in the art at the time of the invention would not have found it obvious to modify Coupe in such a manner as to render Coupe unsuitable for its intended purpose in order to meet the claim features of the claims in question. To do so is clearly counter to the teachings of Coupe and an improper hindsight reconstruction in view of Applicants’ teachings. Hence, the proposed combination is submitted to be flawed and

prima facie obviousness has not been established. Reconsideration and allowance of the rejected claims are respectfully requested.

Claims 56 and 57 were rejected as unpatentable over Iwamaira in view of Coupe and further in view of Ryal all of record.

Applicant respectfully requests reconsideration on the grounds that the cited Ryal reference is disqualified under 35 U.S.C. §103 (c) as prior art under 35 U.S.C. §103 (a) as noted above. In view of this disqualification, the combination used in the present rejection fails. Reconsideration and allowance of the rejected claims are respectfully requested.

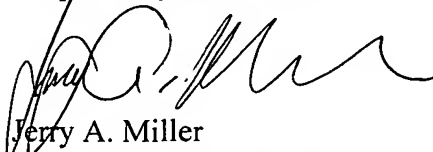
Concluding Remarks

The undersigned notes that many other distinctions exist between the cited art and the claims. However, in view of the clear distinctions pointed out above and disqualification of two of the cited references, further discussion is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort.

Interview Request

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview. The undersigned can be reached at the telephone number below.

Respectfully submitted,


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